

December 9, 2020

Via Electronic Filing

Jocelyn G. Boyd, Esquire
Chief Clerk and Administrator
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

Re: Application of Dominion Energy South Carolina, Inc. for Adjustment of Rates
and Charges
Docket No. 2020-125-E

Dear Ms. Boyd:

Please allow this letter to serve as the response of Dominion Energy South Carolina, Inc. to the filing of the United States Department of Defense and all other Federal Executive Agencies (“Department”) dated December 9, 2020, and captioned “Joinder to the Office of Regulatory Staff’s Motion for Partial Summary Judgment Regarding Proposed Amendments to Section V of DESC’s General Terms and Conditions.” As shown herein, the response is untimely and should not be considered by the Commission.

ORS filed and served the motion for partial summary judgment on November 16, 2020. See Docket No. 2020-125-E, entry no. 295435. The Department acknowledges that filing and service date in its response. See Department’s Response p. 1 (“On November 16, 2020, the South Carolina Office of Regulatory Staff filed a Motion for Partial Summary Judgment” on the issue of the amendments to the General Terms and Conditions.).

The Commission regulations provide parties with ten days to file an serve a response to a motion. See S.C. Code Ann. Reg. 103-829(A) (mandating that “[r]esponses to such motions are due within **ten days** after service of said motions”) (emphasis added). Under that regulation, all responses to ORS’s motion for partial summary judgment were due no later than November 30, 2020.¹

¹ The actual due date fell on Thanksgiving, November 26, 2020. Pursuant to Rule 6, SCRPC, the deadline shifted to the following business day, which was Monday, November 30, 2020. See S.C. Reg. Ann. 103-831.

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The Department missed that deadline by waiting to file its response until December 9, 2020. Therefore, the response is untimely. DESC requests the Commission enter an order finding that the Department's response is untimely and, as a result, cannot be considered in ruling on the motion for partial summary judgment.

If you have any questions or need more information, please do not hesitate to contact me.

Sincerely,

Michael J. Anzelmo

cc: (all by electronic mail only)

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